

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 3, 2006 ("Office Action"). At the time of the Office Action, Claims 1-6, 9-19, 22-26, 28-32 and 35-45 were pending in the application. In the Office Action, the Examiner rejects Claims 27-32 and 35-45. In order to advance prosecution, Applicants amend Claims 27 and 40-45. Applicants do not admit that these amendments were necessitated by any art references or rejections of claims. Applicants thank the Examiner for allowing Claims 1-6, 9-19 and 22-26.

Section 112 Rejections

The Examiner rejects Claims 27-32, 35-39, 44 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection. In order to advance prosecution, Applicants amend Claims 27 and 44. Applicants respectfully request reconsideration and allowance of Claims 27-32, 35-39, 44 and 45.

Section 103 Rejections

The Examiner rejects Claims 40-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0098620 A1 to Zhou, et al. ("*Zhou*") in view of U.S. Patent No. 6,683,886 B1 issued to van der Tuijn, et al. ("*van der Tuijn*"). Applicants respectfully request reconsideration and allowance of Claims 40-45.

At the outset, Applicants respectfully request the Examiner to remove the finality of this Office Action. The amendments previously made by Applicants in the response filed on August 25, 2006 together with the new claims 40-45 included therein were provided directly in response to the Examiner's indication that certain claims, such as 8-10 and 21-23, were objected to but would be allowable if rewritten in independent form. (Office Action mailed 5/25/06, ¶13). Now that Applicants have complied with the Examiner's suggestions, the Examiner has decided to conduct a new search and to reject new claims 40-45 (which are directed to the elements found in claims 9-10). Applicants submit that the amendments made in the August 25, 2006 response and the new claims 40-45 added therein did not necessitate any of the new grounds of rejection presented in this Office Action. Indeed, Applicants would have appreciated the Examiner performing this search to uncover the *van der Tuijn*

reference prior to Applicants spending the costs associated with filing new claims 40-45. Now that the Applicants have undertaken this expense based on the Examiner's suggestion, Applicants respectfully request reconsideration and removal of the finality of this Office Action.

Applicants traverse the rejection based on the *Zhou-van der Tuijn* combination. However, in order to advance prosecution, Applicants amend Claim 40 to recite, in part, "communications associated with the first wireless connection and communications associated with the second wireless connection are scheduled according to priority levels assigned to communication devices associated with the second and third wireless interfaces." The *Zhou-van der Tuijn* combination fails to teach, suggest or disclose this element of amended Claim 40. The Examiner acknowledges that *Zhou* fails to recite any sort of "scheduling" feature (Office Action, ¶7). Moreover, *van der Tuijn* requires an analysis of the "communication links 16" as opposed to the "communication devices" recited in Claim 40 in order to perform its prioritization. (Col. 6, l. 63 – col. 7, l. 7). To perform this analysis, *van der Tuijn* places significant emphasis on the data transfer characteristics of the underlying communication links 16. (Col. 7, ll. 44-46). By prioritizing based on data transfer characteristics of the underlying communication links 16, *van der Tuijn* teaches away from scheduling "according to priority levels assigned to communication devices associated with the second and third wireless interfaces." "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). (M.P.E.P. § 2141.02). For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 40.

Claims 42 and 44 are allowable for at least the reasons described above with respect to Claim 40, and are therefore allowable. Claims 41, 43, and 45 depend from independent claims shown above to be allowable, and are therefore allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of amended claims 40-45.

CONCLUSION

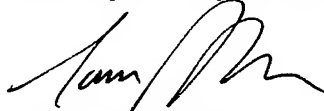
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due for this response, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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